

## REMARKS

The amendments to claims 1, 22, 41 and 46 have been amended to further define the structure of the support pad, and is consistent with the specification and all drawings of the support pad. The limitation of the pad providing "firm" support is supported by Fig. 4. This further definition of the support pad differentiates the instant invention from the only relevant prior art reference cited by the Examiner. Said claims have also been amended to remove the inconsistency as to whether the apparatus is a combination or a subcombination, and it is the intent of the Applicant that the invention is directed toward the subcombination.

### **Rejection of claims 6, 9, 16, 21, 28, 31, 37, and 40 under 35 U.S.C. §112, second paragraph.**

The Examiner has rejected Claims 6, 9, 16, 21, 28, 31, 37, and 40 under 35 U.S.C. §112, second paragraph due to the inclusion of the trademark "Velcro." Such rejection is respectfully traversed to the extent that the rejection applies to the newly amended claims 6, 9, 18, 21 and 31. Applicant has deleted references to the trademark from such amended claims and such claims should be allowable on their own merits.

Applicant respectfully reminds the Examiner that claims 16, 21, 37 and 40 were cancelled by Applicant in an earlier Response, filed 10/20/2000.

### **Rejections of claims 1, 22 and 41 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.**

The Examiner has rejected claims 1, 22 and 41 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler. Such rejection is respectfully traversed to the extent such rejection applies to the newly amended independent claims 1, 22 and 41. Applicant provided an analysis in Applicant's Response, filed 10/20/2000, which analysis is incorporated therein. In such analysis, Applicant pointed out that the cushion of Butler has elevated edges on three sides forming an area for receiving the baby wherein when the baby is placed within the receiving area, the baby cannot roll off, or out of, the cushion. Claims 1, 22 and 41 have been amended to further limit the support pad of the invention to be of uniform thickness. The Examiner correctly points out that Butler discloses a support pad having a bottom surface of uniform planar surface, however, Butler does not disclose, either expressly or inherently, a support pad of uniform thickness.

### **Rejections of claims 2-4, 6, 9, 12, 24-25, 31 and 42-43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.**

The Examiner has rejected claims 2-4, 6, 9, 12, 24-25, 31 and 42-43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler. Such rejection is respectfully rejected to the extent that such claims depend on the newly amended independent claims 1, 22 and 41, which are not anticipated by Butler. Although such rejected claims are considered to be allowable on their own merits, the combination of

claim 1 with claims 2-4, 6, 9 and 12 respectively, and the combination of claim 22 with claims 24-25 and 31 respectively, and the combination of claim 41 with claims 42 and 43 respectively, cannot be found to be anticipated by Butler.

Applicant respectfully reminds the Examiner that claims 13-14, 16, 18-19, 26, 32, 34-35, 37 and 40 were cancelled by Applicant in an earlier Response filed 10/20/2000.

**Rejection of claims 5, 7-8, 10-11, 23, 27, 29-30, 33, 44-45, and 47-53 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,551,108 to Butler.**

Claims 5, 7-8, 10 and 11 are dependent upon newly amended independent claim 1, which claim 1 is not obvious to one of ordinary skill in the art in view of Butler. Similarly claims 23, 27, 29 and 30 are dependent upon newly amended independent claim 22, which claim 22 is not obvious in view of Butler. Similarly, claims 44 and 45 are dependent upon newly amended independent claim 41, which claim 41 is not obvious to one of ordinary skill in the art in view of Butler. And, finally, claims 47-53 are dependent upon newly amended independent claim 46, which claim 46 is not obvious to one of ordinary skill in the art in view of Butler. Butler does not disclose a planar cushion, but in fact, teaches away from the use of such a planar cushion (see column 3, lines 34-41) in order to secure the infant in the combination cushion and cover. Butler teaches that the raised perimeter of his cushion is necessary to restrain a baby on his cushion/cover combination. Therefore, claims 1, 22, 41 and 46 are not obvious to one of ordinary skill in the art, and the combinations of claim 1 and claims 5, 7-8, 10 and 11, the combinations of claim 22 and claims 23, 27, 29 and 30, the combinations of claim 41 and claims 44 and 45, and the combinations of claim 46 and claims 47-53 cannot be obvious to one of ordinary skill in the art.

Applicant respectfully reminds the Examiner that claims 15, 17, 20, 33, 36, 38 and 39 were cancelled by Applicant in an earlier Response filed 10/20/2000.

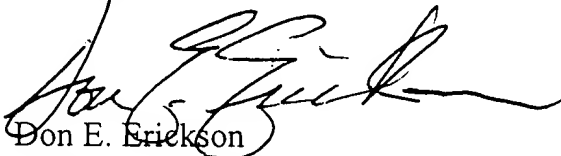
**Conclusion**

Applicant has amended independent claims 1, 22, 41 and 46 to further limit the scope of the invention in light of the cited reference, U.S Patent No. 5,551,108 to Butler. Butler does not disclose, either expressly or inherently, a substantially planar support pad of uniform thickness. In fact, Butler teaches away from using such a support pad of uniform thickness. Reconsideration and allowance of the claims are respectfully requested for the reasons set forth hereinabove.

Entry of this amendment is respectfully requested for the purpose of placing this application in condition for allowance or for the purpose of reducing the number of disputed issues for appeal.

Should the Examiner not be disposed to enter this Amendment for the purpose of allowance, a telephone interview for the purpose of discussing the issues not resolved by this Amendment is respectfully requested.

Sincerely,

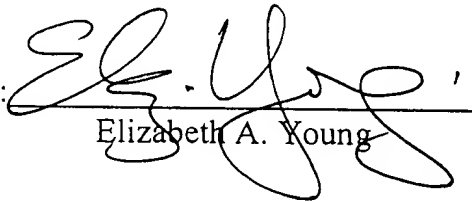


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